

REMARKS

Claims 1 to 11 are in the application.

Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. 102(b) as being anticipated by Liedmeyer et al, are respectfully requested.

Applicants respectfully submit that the claims are patentable over the art of record.

As a result of the foregoing Amendment, claim 1 has been amended to make it clear that the hatch includes sidepieces which in the closed position of the hatch are directed forward and upward, and that the hatch includes a lower crosspiece, wherein the rear window is enclosed between the sidepieces and the lower crosspiece in the closed position thereof. The added language is supported by the last paragraph on page 7 of the specification as originally filed. Accordingly, no new matter has been added.

Applicants respectfully submit that the position taken by the Examiner that the reference to Liedmeyer et al discloses a vehicle "with a moveable hatch (7) that encloses a rear window" is not correct. A careful review of the reference makes it clear

that the position of the rear window underneath the hatch (7), as seen in Fig. 4 of the reference, cannot be considered as being enclosed.

Applicants respectfully submit that the changes in claim 1 do not constitute new issues. Rather, the additions to claim 1 further clarify the fact that the rear window is a component of the hatch.

Accordingly, it is submitted that claim 1, and the claims depending therefrom, are in condition for allowance.

With respect to claim 8 which has been indicated as being allowable by the Examiner, Applicants respectfully submit that all claims in the application, not only claim 8, are allowable over the art of record.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on October 31, 2008.

By: Friedrich Kueffner

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